

STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES
Before the Director of Insurance and Financial Services

**Department of Insurance and
Financial Services**
Petitioner

v

**Camillo Anthony Monaco, Darrell Lees, and
Monaco Motors, Ltd.**
Respondents

Case No. 13-924-L
Docket No. 13-003485-OFIR

Issued and entered
this 10th day of July 2013
by Randall S. Gregg
Special Deputy Director

FINAL DECISION

This matter concerns a compliance case alleging that the Respondents had engaged in the sale of insurance without a license, a violation of sections 1201 and 1208 of the Michigan Insurance Code. On June 21, 2013, the parties filed a request to dismiss the request for hearing.

The administrative law judge assigned to the case issued an Order of Dismissal on June 24, 2013. This order purports to dismiss the case itself. The dismissal of an administrative case exceeds the authority of an administrative law judge in a contested case. Section 81(1) of the Administrative Procedures Act of 1969, MCL 24.281(1), provides:

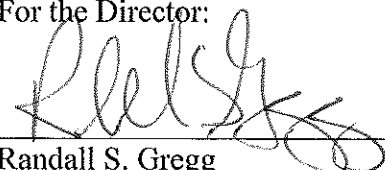
When the official or a majority of the officials of the agency who are to make a final decision have not heard a contested case or read the record, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made until a proposal for decision is served on the parties, and an opportunity is given to each party adversely affected to file exceptions and present written arguments to the officials who are to make the decision....

Thus, a final decision may only be issued by the agency or official authorized to make a final decision. In this case, that official is the Special Deputy Director of the Department of Insurance and Financial Services. Consequently, the ALJ's order is hereby vacated.

It is ORDERED that this matter is dismissed.

R. Kevin Clinton
Director

For the Director:



Randall S. Gregg
Special Deputy Director

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CERTIFICATE OF SERVICE

I, Valerie Donally, state that on the 11th day of July, 2013, I served copies of the FINAL DECISION upon all parties and/or attorneys of record as follows:

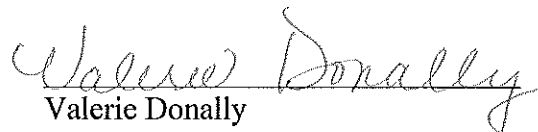
Robert J. Figa
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by placing same in a properly addressed envelope(s) with postage fully prepaid, first class mail, and depositing said envelope(s) in the United States mail at Lansing, Michigan.


Valerie Donally